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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/708,812	03/26/2004	Gary S. Ambrosino	Cognio112US	2811
27896 7590 01/10/2008 EDELL, SHAPIRO & FINNAN, LLC 1901 RESEARCH BOULEVARD SUITE 400 ROCKVILLE, MD 20850			EXAMINER TORRES, MARCOS L	
			ART UNIT 2617	PAPER NUMBER
			MAIL DATE 01/10/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/708,812

Applicant(s)

AMBROSINO, GARY S.

Examiner

Marcos L. Torres

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 7,9-14,16,27,29-31,36,37,41,43-48,52 and 53 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 7,9-14,16,27,29-31,36,37,41,43-48,52 and 53 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. Claims 7, 9-14, 16, 27, 30-31, 36-37, 41 and 45-46 rejected under 35 U.S.C. 103(a) as being unpatentable over Sharony US007019663B2 in view of Hwang US 20050043042A1.

As to claim 16, Sharony discloses a method for determining the physical location of a device that has both wireless wide area network (WAN) communication capability and wireless local area network (LAN) communication capability (see col. 1, lines 43-50), the method comprising steps of: receiving a signal at the device from wireless WAN

equipment that causes the device to initiate a wireless LAN location process (see fig. 2b, item 305); and executing the wireless LAN location process to determine the physical location of the device (see fig. 2b, item 306-314), and sending location information of the device to a party (see fig. 2b, item 314). Sharony does not specifically disclose receiving from a user of the device information including an identifier of a party that the user designates to receive location information for the device generated by the wireless LAN location process or sending the information in the form of a paging message. In an analogous art, Wang discloses receiving from a user of the device information including an identifier of a party that the user designates to receive location information for the device generated by the wireless LAN location process (see par. 0050); and sending the location information in the form of email message (see par. 0067). Therefore it would have been obvious to one of the ordinary skill in the art at the time of the invention to verify the data for the simple purpose of disclose only authorized information.

As to claim 7, Sharony discloses a method wherein the step of executing the wireless LAN location process comprises executing a process that computes the location of the device based on one or more of: time of arrival data, time difference of arrival data, and received signal strength data, derived from a signal transmitted by the device (see col. 3, lines 29-60).

As to claim 9, Sharony discloses a method further comprising, at a computing device coupled to the wireless LAN, generating at least one signal to be transmitted by

a wireless LAN device to the device and one or more other wireless LAN devices in order to set-up the wireless LAN location process (see col. 3, lines 7-18).

As to claim 10, Sharony discloses a method of claim further comprising, at the computing device, processing data derived from one or more signals transmitted by the device to be located to determine the physical location of the device (see col. 3, lines 19-28; col. 2, lines 35-37).

As to claim 12, Sharony discloses transmitting the signal to the device that causes the device to initiate the wireless LAN location process (see fig. 2b, item 303). Hwang discloses the method further comprising the step of receiving at the wireless WAN equipment an emergency call from the device (see par. 0005). It is noted that this limitation is a requirement set by the FCC Wireless Communications and Public Safety Act of 1999. Therefore, it is not an inventive step.

As to claim 13 the method further comprising sending information describing the physical location of the device to an emergency responder facility is a requirement set by the FCC Wireless Communications and Public Safety Act of 1999. Therefore, it is not an inventive step.

As to claim 14, Sharony discloses a method further comprising the step of downloading to the device a software application that the device uses to initiate the wireless LAN location process in response to receiving the signal from the wireless WAN equipment (see col. 2, lines 47-50).

As to claim 27, Sharony discloses a method for determining the physical location of a device that has both wireless wide area network (WAN) communication capability

and wireless local area network (LAN) communication capability (see col. 1, lines 43-50), the method comprising: a. transmitting a wireless LAN signal from the device, wherein the wireless LAN signal includes information that indicates a wireless LAN location procedure is to be performed with respect to the device (see col. 2, lines 61-67); and executing the wireless LAN location process to determine the physical location of the device and transmitting a location of the device determined by said wireless LAN location procedure to a party via the wireless WAN communication capability of the device (see fig. 2b, item 306-314). Sharony does not specifically disclose responsive to a user initiated location command at the device. Hwang discloses responsive to a user initiated location command at the device transmitting a location of the device determined by said wireless LAN location procedure to a party via the wireless WAN communication capability of the device. (see par. 0005). Therefore it would have been obvious to one of the ordinary skill in the art at the time of the invention to verify the data for the simple purpose of disclose only authorized information.

As to claim 28, Sharony discloses a method wherein the step of transmitting comprises transmitting a wireless LAN signal (see col. 3, line 2 – col. 4, line 3).

As to claim 30, Sharony discloses a method further comprising the step of receiving the wireless signal from the device, at a computing device, and in response generating a signal for transmission to the wireless device to set-up the wireless LAN location procedure (see fig. 2a 2b, item 300,303).

As to claim 31, Sharony discloses a method of claim 30, wherein the step of executing comprises computing the location of the device based on data derived from at

least one signal transmitted by the device and received at one or more other wireless LAN devices (see fig. 2a 2b, item 314).

As to claim 11, Sharony and Hwang discloses everything as disclosed above except for the method further comprising the step of terminating a wireless LAN connection at the device after completion of the wireless LAN location process. However OFFICIAL NOTICE IS TAKEN THAT the method of terminating a connection after being used is common and well-known technique used to prevent wasting the bandwidth. Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to terminate the connection for the simple purpose of saving bandwidth. Also an inherent outcome of terminating the connection would be saving battery power because transmitter the transmitter is off.

As to claims 36-37 and 45-46, they are the corresponding device claims of method claims 16 and 9. Therefore, claims 36-37 and 45-46 are rejected for the same reasons.

Regarding claim 41 is rejected for the same reasons of claims 16 shown above.

5. Claims 29, 43-44, 47-48 and 52-53 rejected under 35 U.S.C. 103(a) as being unpatentable over Sharony in view of Hwang as applied to claim 27, 36 and 41 above, and further in view of Cleghorn US00692772B2

As to claim 43, Hong discloses the method wherein transmitting comprises the wireless signal that places the emergency call (see col. 4, lines 62-64). Sharony and Hwang do not specifically disclose an indication of an emergency condition, and detecting an emergency condition of the VOIP call at a gateway, server or router

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connected to the wireless LAN that route VOIP calls over the Internet. In an analogous art, Cleghorn discloses an indication of an emergency condition, and detecting an emergency condition of the VOIP call at a gateway, server or router (see fig. 1, item 110) connected to the wireless LAN that route VOIP calls over the Internet (see col. 3, lines 25-53; col. 4, lines 13-42). Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to combine these teachings in order to be compatible with VOIP systems.

As to claim 29, Sharony neither Hong disclose VOIP. Cleghorn disclose the method wherein the step of transmitting comprises placing a voice-over-IP call (see col. 1, lines 51-65).

As to claim 44, Sharony discloses the method of sending a message to the device to initiate execution of said WLAN location procedure (see col. 4, lines 46-64). Cleghorn disclose in response to detecting the emergency condition of the VOIP call at the gateway, server or router, sending a message indicating location and other procedures (col. 4, lines 13-42).

As to claims 47-48, they are the corresponding device claims of method claims 43 and 29. Therefore, claims 47-48 are rejected for the same reasons.

As to claims 52-53, they are rejected for the same reasons of claims 43 and 29.

### ***Conclusion***

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marcos L. Torres whose telephone number is 571-272-7926. The examiner can normally be reached on 8:00am-6:00 PM alt. Wednesday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-252-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

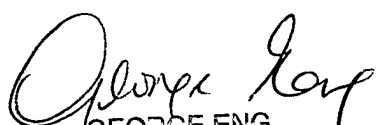
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Marcos L Torres

Examiner

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mlt

  
GEORGE ENG  
SUPERVISORY PATENT EXAMINER